

RECORD OF ACTION TAKEN AT THE
SPECIAL TOWN MEETING
OCTOBER 17, 2011

Pursuant to the foregoing warrant, the legal voters of the Town of Ipswich met in the Ipswich High School/Middle School Performing Arts Center in said town of Ipswich on Monday, October 17, 2011. A quorum being present (262 present-200 required), the meeting was called to order by the Moderator, Mr. Thomas R. Murphy, at 7:50 P.M.

The counters for the meeting were Kathy Bruce, Irene Josephson and Carl Nylen.

Non –registered persons were given permission to attend the meeting as spectators and were seated on the floor in the front of the room on the left of the stage.

The Moderator introduced Representative Bradford R. Hill and Senator Bruce E. Tarr, both of whom updated the Town Meeting body on the FEOFFEE issue pending in the legislature; reversion monies; and the reduction of Congressional seats as a result of Federal Census figures. Both also commended Police Chief Paul Nikas for his efforts to keep the Town of Ipswich safe.

PPROCEDURAL MOTION:

On **MOTION** of Raymond Morley, it was voted that:

On matters requiring a two-thirds vote by statute, a count need not be taken unless the vote so declared is immediately questioned by seven or more voters at the meeting.

The Moderator declared that the PROCEDURAL MOTION CARRIED.

ARTICLE 1 **FY'12 TOWN BUDGET AMENDMENTS**

A MOTION was made by William Craft and duly seconded to:

- 1) Transfer **\$15,000** from the Recreation Department budget to the Facilities Department to paint, make repairs and replace carpeting in the Rogers Room of the Ipswich Public Library; and

- 2) Transfer **\$12,000** from the Recreation Department budget to the Facilities Department to tuck point brickwork at the Central Fire Station; and
- 3) Transfer **\$24,000** from the Recreation Department budget to the Police Department for the purchase of a front line cruiser; and
- 4) Transfer **\$6,100** within the Police Department budget from Expenses to Capital Outlay to partially fund the purchase of a front line police cruiser; and
- 5) Transfer **\$2,900** from the Waterways Improvement Fund to the Department of Public Works, with **\$2,500** transferred to the gasoline account and **\$400** transferred into the diesel account to cover the cost of fuel for the Harbormaster.

A MOTION TO AMEND was made by KellyJane Kloub, and duly seconded to:

Amend Article 1 into six parts. The first part as to appropriations amounts; the second part, items one through five to be voted on separately and individually.

The Moderator declared that motion to amend FAILED on a VOICE VOTE.

The Moderator declared that the MAIN MOTION PASSED. Seven registered voters stood and a hand count was conducted.

The Moderator declared that the MAIN MOTION PASSED (159 YES, 50 NO).

ARTICLE 2 **FY'12 SCHOOL BUDGET AMENDMENTS**

A MOTION was made by Jeffrey Loeb and duly seconded to:

Amend the Town's action taken under Article 8 of the Warrant for the May 10, 2011, Annual Town Meeting (the FY'12 School Department Operating Budget), by:

Transferring **\$80,968** from free cash to reimburse the School Department for Federal Medicaid funds deposited into the General Fund during Fiscal 2011, so that the total Fiscal 2012 school operating budget of \$21,005,093 as so amended, shall total \$21,086,061 leaving the amount to be raised and assessed as \$20,912,593.

The Moderator declared that the MOTION CARRIED.

Raymond Morley asked the body of the Town Meeting to pause in a moment silence in memory of Donald Stone who passed away last week. Mr. Stone was a long time employee of the Town of Ipswich.

ARTICLE 3

LEGISLATION REGARDING BUILDING INSPECTORS

A MOTION was made by Raymond Morley and duly seconded to:

Accept the provisions of Massachusetts General Laws Chapter 143, Section 3Z, to allow part-time inspectors in the Building Department to engage in the businesses for which they are certified, licensed or registered under the Building Code within the Town of Ipswich, provided that their work is inspected by others.

A MOTION was made to MOVE THE QUESTION. The Moderator declared the motion CARRIED.

The Moderator declared that the MAIN MOTION FAILED (78 YES, 108 NO)

ARTICLE 4

AMENDING THE GREAT ESTATES BYLAW

*****See attached letter, dated February 2, 2012, from the Attorney General's Office, which disapproves a portion of this Article because it is inconsistent with M.G.L. Chapter 44, § 53.*****

A MOTION was made by Robert Weatherall and duly seconded to:

Amend the Protective Zoning Bylaw of the Town of Ipswich by amending "IX. SPECIAL REGULATIONS, H. Great Estate Preservation Development (GEPD)" as follows:

(Proposed changes shown by use of ~~strike through~~ for deleted language and ***bold italics*** for new language)

1) Amend "**2. Permitted Uses**" by:

a. Revising paragraph "b., subparagraph "iv", to read as follows:

"iv. Residential dwelling use shall not exceed twenty-five percent (25%) of the maximum floor area which may be developed pursuant to this GEPD zoning, unless said residential use meets the following conditions, in which instance the residential dwelling use shall not exceed ~~forty-five percent (45%)~~ ***fifty-five percent*** of the maximum floor area of the GEPD..."; and

b. Revising paragraph "l., subparagraph "(3)" to read as follows:

"(3) at no time shall more than ~~thirty-five (35%)~~ ***fifty percent (50%)*** of the constructed floor area be primarily devoted to such processing;"

2) Amend "**3. Density Standards, b. Floor Area of Development**" by revising paragraph "(2)." to read as follows:

"A GEPD that rehabilitates or renovates all buildings and supporting structures certified by the Historical Commission as having historic or architectural significance may increase allowable floor space by... five square feet for every square foot of floor space contained in buildings... having historic or architectural significance that are rehabilitated or renovated. ***The Planning Board may, by special permit, allow relief of the requirement to renovate all of the buildings certified by the Historical***

Commission as having historic or architectural significance in exchange for the density bonus, without loss of any related bonus square footage for other renovated buildings, except for any bonus square footage associated with the building for which relief is being sought, under the following conditions: (1) Not more than one certified building within a GEPD shall be granted relief from the requirement, and in no instance shall the building be the great estate mansion; (2) Prior to the issuance of the initial GEPD special permit, the building in question shall have been vacant, uninhabitable, and in need of substantial renovation; (3) The Planning Board must determine that the cost of renovating the subject building is so high as to render its renovation financially infeasible; (4) Materials from the building shall be reused in the renovation or rehabilitation of another certified building within the GEPD, and any remaining materials shall be made available at no cost to the Historical Commission before any material disposal may take place; (5) Photo documentation of the building is provided to the Historical Commission, in accordance with their requirements, prior to its demolition; (6) The Historical Commission must provide the Planning Board its written assent to the building's demolition; (7) No additional floor space shall be derived from the square footage of the building that is demolished; (8) In lieu of the building's preservation, the Planning Board may require the GEPD owner to contribute funds to a fund managed by the Historical Commission for the purpose of furthering the preservation of historic buildings and/or structures elsewhere in Town. The Planning Board shall refer...".

The Moderator declared that the MOTION CARRIED.

ARTICLE 5

AGRICULTURAL USE REVISIONS

See attached letter, dated February 2, 2012, from the Attorney General's Office, which cautions the Town to apply the amendments adopted, including changes to Footnote 7 consistent with the requirements of M.G.L. Chapter 40A, § 3.

A MOTION was made by Cathryn Chadwick and duly seconded to:

Amend the Protective Zoning Bylaw of the Town of Ipswich by:

(Proposed changes shown by use of ~~strike through~~ for deleted language and ***bold italics*** for new language)

1) Revising SECTION "V. TABLE OF USES" as follows:

- a. Under the heading "Commercial", modify the use "Sale of agricultural... or viticultural, products, on a wholesale or retail basis, on less than five (5) acres", by amending the allowances for each district by adding footnote "7."
- b. Modify the "Footnotes to Use Regulations, Footnote 29" as follows: "29. If located on five (5) acres or more, ***then the use shall be allowed by right. For Kennels, and*** ~~provided that~~ the breeding, boarding, grooming, and training of dogs ***is must be*** strictly limited to dogs owned by the owner/lessee of land on which the facility is located... ~~then the use is allowed by right.~~"
- c. Modify Footnote 7 as follows: " 7. Provided that either during the months of June, July, August and September of each year or during the harvest season of the primary crop

raised on land of the owner or lessee, twenty-five (25%) percent of such products for sale, based on either gross sales dollars or volume, have been produced by the owner or lessee of the land on which the facility is located, or at least twenty-five (25%) percent of such products for sale, based on either gross annual sales or annual volume, have been produced by the owner or lessees of the land on which the facility is located and at least an additional fifty (50%) percent of such products for sale, based upon either gross annual sales or annual volume, have been produced on Massachusetts land used for the primary purpose of commercial agriculture, aquaculture, silviculture, horticulture, floriculture, or viticulture, whether by the owner or lessee of the land on which the facility is located or by another, except that all such activities shall be ***allowed by right on parcels of less than five acres but no less than two acres in size, provided that the sale of products produced from the agriculture, aquaculture, silviculture, horticulture, floriculture or viticulture use on the parcel annually generates at least \$1,000 per acre based on gross sales dollars.*** If the above requirements cannot be satisfied, the use may be allowed only by special permit of the Zoning Board of Appeals, ***although in no instance shall the ZBA approve a use that generates annually less than \$1,000 per acre (based on gross sales dollars) from products grown on the property, and provided that the ZBA finds that said use meets the general intent of this footnote 7.***

- d. Modify Footnote 33 as follows; “For properties of ~~five (5)~~ **two (2)** acres or more, the sale of agricultural products ~~for~~ **derived from** these uses is permitted...”

2) Amending SECTION “III. DEFINITIONS” as follows:

- a. Modify the definition of “Riding Academy” as follows: “An establishment ~~where horses are boarded and cared for and~~ where instruction in riding, jumping and/or showing is offered ***and where horses may be boarded and cared for and where*** the general public may, for a fee, ~~hire horses for riding~~ ***be given riding and/or driving lessons on horses owned by the establishment.***”;
- b. Add a new definition, “Livery Stable”, in the correct alphabetical sequence, to read as follows: “Livery Stable: An establishment where horses are boarded and cared for and the general public may, for a fee, hire horses for riding and/or driving.”.

The Moderator declared that the MOTION CARRIED.

ARTICLE 6 REVISIONS TO LOT DIMENSIONAL REQUIREMENTS

A MOTION was made by Kathleen Milano and duly seconded to:

INDEFINITELY POSTPONE discussion on this article

The Moderator declared that the MOTION CARRIED.

A MOTION was made by Brian Hone and duly seconded to:

Amend the Protective Zoning Bylaw of the Town of Ipswich by:

(Proposed changes shown by use of ~~strike through~~ for deleted language and ***bold italics*** for new language)

- 1) Amending SECTION “II. APPLICABILITY” by modifying “II.B.5” as follows: “5. Reconstruction. Any nonconforming structure may be reconstructed after a fire, explosion or other catastrophe, provided that such reconstruction is completed within twenty-four months after such catastrophe, and provided that ***structures other than single or two-family dwellings*** ~~the building(s)~~ as reconstructed shall be only as great in ~~volume or~~ area as the original nonconforming structures unless a larger ~~volume or~~ area is authorized by special permit from the Zoning Board of Appeals. Such time for reconstruction may be extended by the Zoning Board of Appeals for good cause, ***provided that the extension request is made no later than two years after the catastrophe, and provided that the extension is for no longer than two years. Reconstruction of single and two family structures shall be allowed pursuant to Section II.3. and/or Footnote 18 to the Table of Dimensional and Density Regulations....***”
- 2) Amending SECTION “III. DEFINITIONS” as follows: Modify definition for “Kennel” as follows: “Kennel: A single premises with a collection of eight (8) or more dogs..., or where the boarding or grooming of dogs is performed by a business. ***This definition is for zoning purposes only, and does not supersede any other definitions of Kennels associated with other State mandated regulations.***”
- 3) Amending SECTION “VI. DIMENSIONAL AND DENSITY REGULATIONS” as follows:
 - a. Modify “A. Applicability of Dimensional and Density Regulations” as follows: “The regulations for each district... shall be as specified in this section and subject to the further provisions of this bylaw. ***Unless otherwise exempted elsewhere in this bylaw, all structures must comply with minimum setback distances, even if the structures do not require a building permit.***”
 - b. Modify “G.2.d.” as follows: “d. In the RRB District, the maximum building height for principal structures is two stories, not to exceed twenty-five (25) feet, and the maximum building height for accessory structures shall not exceed eighteen (18) feet. ***Any appurtenance or structure that is not necessary for the use and operation of a residence is limited to a height of 25 feet, except that a greater height may be allowed by a special permit from the Planning Board.***
- 4) Amending SECTION “VI.B. TABLE OF DIMENSIONAL AND DENSITY REGULATIONS” as follows: For principal buildings and structures within the Rural Residence District (RRB), add a row entitled “All other permitted uses” under the “Use” column, and assign the same dimensional requirements as those assigned to the row “Single-family, detached” within the RRB District;
- 5) Amending SECTION “VII. OFF-STREET PARKING AND LOADING REGULATIONS” as follows:

- The Moderator declared that the MOTION CARRIED.**

Amend the Protective Zoning Bylaw of the Town of Ipswich by amending SECTION “IX. SPECIAL REGULATIONS”, “J. Accessory Apartment”, paragraph “2.”, as follows:

(Proposed changes shown by use of ~~strike through~~ for deleted language and ***bold italics*** for new language)

- 1) Revise the first sentence as follows: “The Zoning Board of Appeals may grant a Special Permit for the alteration of a single family dwelling, ***whether existing or newly constructed***, to include an accessory apartment in any residential district...”
- 2) Modify “b.” as follows: “b. The accessory apartment shall contain no more than one (1) bedroom and one (1) bathroom; ***and the apartment*** shall not exceed 900 S.F. of gross floor area or 25% of total gross floor area, whichever is ~~greater~~ ***less***.”
- 3) Modify “h.” as follows: “h. The alterations shall... not expand the footprint or the envelope of the building, as it existed on the effective date of this bylaw, by more than 25%, or 500 square feet, whichever is ~~greater~~ ***less***.”

The Moderator declared that the MOTION CARRIED.

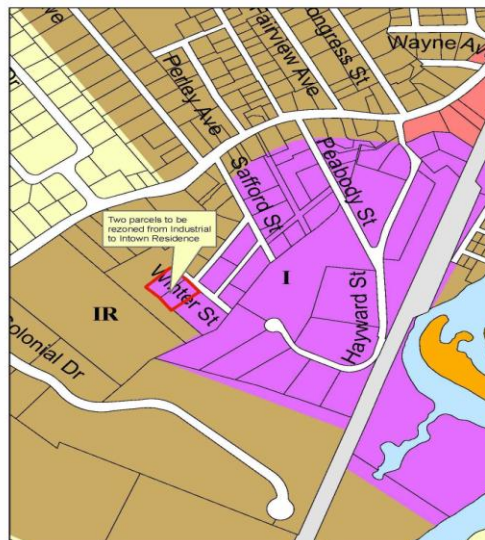
ARTICLE 9

WINTER STREET REZONING

A MOTION was made by Kathleen Milano and duly seconded to:

Amend the Official Zoning Map of the Town of Ipswich by rezoning two parcels currently designated as I (Industrial) to IR (In-town Residence) as shown on the attached map. The two parcels to be rezoned are as follows:

<u>Assessor’s Map</u>	<u>Lot</u>	<u>Street Address</u>
41D	68	6 Winter Street
41D	69	8 Winter Street



The Moderator declared that the MOTION CARRIED.

ARTICLE 10 **WATER DEPARTMENT MAIN REPLACEMENT**

A MOTION was made by Raymond Morley and duly seconded to:

- (1) to appropriate the sum of **\$1,950,000** to replace water mains on Jeffreys Neck Road; and
- (2) to raise this appropriation by authorizing the treasurer, with the approval of the Board of Selectmen, to issue bonds or serial notes under the provisions of Massachusetts General Laws Chapter 44, as amended.

A **MOTION** was made to **MOVE THE QUESTION**. The Moderator declared the **MOTION CARRIED**.

The Moderator declared that the MAIN MOTION CARRIED UNANIMOUSLY.

ARTICLE 11

A MOTION was made by Raymond Morley and duly seconded to:

INDEFINITELY POSTPONE action on this the article.

The Moderator declared that the MOTION CARRIED.

ARTICLE 12 **WIND TURBINE LAND LEASE**

A MOTION was made by James Engle and duly seconded to:

INDEFINITELY POSTPONE action on this article.

The Moderator declared that the MOTION CARRIED.

ARTICLE 13 BYLAW AMENDMENT: VOTE COUNTING AT TOWN MEETINGS

A MOTION was made by William Craft and duly seconded to:

Amend Chapter III, Section 3 of the Town of Ipswich By-Laws by inserting after sub-section (d) the following:

“(e) In accordance with GL c. 39, § 15, whenever a two-thirds vote is required by statute a vote may be declared as such by the Moderator without a count and be recorded as such by the Clerk upon the Moderator’s declaration; provided, however, that if seven or more voters at the meeting doubt the vote, the Moderator shall take a count of the vote.”

The Moderator declared that the MOTION CARRIED.

ARTICLE 14 **NORTH GREEN STREETScape IMPROVEMENT PROJECT**

A MOTION was made by Patrick McNally and duly seconded to:

(a) approve the modification of the layouts of North Main Street and Meetinghouse Green as shown on a plan entitled, “Plan of Land Showing Location of Land Transfers and Town Alteration of North Main Street and Meetinghouse Green in the Town of Ipswich, Essex County, Scale: 20 feet to the inch, date: October 14, 2010, revised on April 11, 2011 and September 15, 2011,” prepared by Vanasse Hangen Brustlin, Inc., a copy of which is on file in the office of the Town Clerk;

(b) approve the modification of the layout of Meetinghouse Green to exclude land no longer needed for public way purposes; and

(d) transfer the land now within the layout of North Main Street and Meetinghouse Green no longer needed for public way purposes, as shown on said plan, to the Parks and Cemeteries Commission for park purposes.

The Moderator declared that the MOTION CARRIED.

ARTICLE 15 **RECONSIDERATION**

A MOTION was made by Raymond Morley and duly seconded to:

INDEFINITELY POSTPONE action on this article.

The Moderator declared that the MOTION CARRIED.

At 10:10 P.M. the Moderator declared that the MOTION TO DISOLVE the meeting carried.

Respectfully submitted,

Pamela Z. Carakatsane, CMMC/CMC
Town Clerk

